

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Allocation of Costs Associated with
Local Exchange Carrier Provision of
Video Programming Services

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CC Docket No. 96-112

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MOTION FOR EXTENSION OF TIME
AND WAIVER OF PAGE LIMIT

Southwestern Bell Telephone Company (SWBT) hereby moves to extend the time for filing comments and reply comments and to increase the number of pages permitted for comments and reply comments in the above-captioned Notice of Proposed Rulemaking ("NPRM").¹

In this NPRM, the Commission proposes drastic changes in the cost allocation rules adopted almost a decade ago in the Joint Cost Order. The proposals to be considered in this NPRM would have far-reaching implications not only for local exchange carriers' ("LECs") video programming services, but also for all of the LECs' future competitive services.² In particular, the NPRM reflects a new, much less flexible approach to cost allocation compared to its existing procedure for review of cost allocation manuals ("CAMs"). The Commission seeks specific comments on possible mandatory cost allocation methods for most of the major network investment and expense accounts. Changes in the areas proposed in the NPRM would affect virtually every

¹ FCC No. 96-214, released May 10, 1996.

² See NPRM, ¶¶ 2, 6, 18, 51-54.

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regulated and nonregulated service offered by SWBT now or in the future. Before the Commission considers such a massive overhaul of the Joint Cost Order, the Commission should develop a complete record and allow parties to comment fully on the complex issues presented by the NPRM. The page and time limits established in the NPRM are unreasonably short and will not permit development of a complete record sufficient to support the types of changes contemplated by the NPRM.

SWBT respectfully requests that the Commission extend the date for filing comments and reply comments to June 10 and June 30, respectively, and that it increase the page limits for comments and reply comments to 50 pages and 25 pages, respectively, excluding factual appendices.³

Unlike other pending rulemaking proceedings in which time and page limits have been imposed recently, this rulemaking is not subject to any deadlines imposed by the Telecommunications Act of 1996 ("1996 Act"). The 1996 Act does not direct the Commission to adopt regulations concerning video programming cost allocation, much less impose any deadlines for the Commission to adopt any such regulations. Given that the Commission is not subject to any time limit of the 1996 Act in its consideration of this NPRM, there is no justification for unreasonably short comment cycles and page limits.⁴ Given the absence of time constraints for action in this proceeding and the broad

³ The proposed text of rules submitted as appendices would also be excluded from the page limit pursuant to the request for such proposed text in the Order, DA 96-753, released on May 14, 1996.

⁴ Cf. In the Matter of Implementation of Section 302 of the Telecommunications Act of 1996: Open Video Systems, CS Docket No. 96-46, Notice of Proposed Rulemaking, FCC 96-99, released March 11, 1996, ¶¶ 5, 93-94 (1996 Act requires open video system regulations within six months; no page limits established for comments or reply comments).

range of complex CAM issues implicated by the NPRM's proposals, it is unreasonable for the Commission to establish such short time and page limits.⁵ Because of the complex accounting issues presented in this NPRM and the absence of any time limit for the Commission's action on this NPRM, the NPRM's time and page limits are so restrictive as to deny interested parties the right to participate in a meaningful manner. Based upon due process considerations and consistency with other proceedings, the Commission should extend the time and page limits.

CONCLUSION

While the 1996 Act does contain certain deadlines for Commission action, those deadlines do not apply to this NPRM. Therefore, the Commission should establish revised time and page limits that will allow interested parties to provide meaningful information and arguments on all of the issues presented. With these time and page limit extensions, the Commission will be able to develop a complete record and to reach a well-informed decision.

For the foregoing reasons, SWBT respectfully requests that the Commission extend the date for filing comments and reply comments to June 10 and June 30, 1996, respectively, and that it increase the page limits for comments and reply comments to 50 pages and 25 pages, respectively, excluding factual appendices.

⁵ 5 U.S.C. § 553(c) ("The agency shall give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments . . .") 47 C.F.R. § 1.415(b) ("A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules . . .").

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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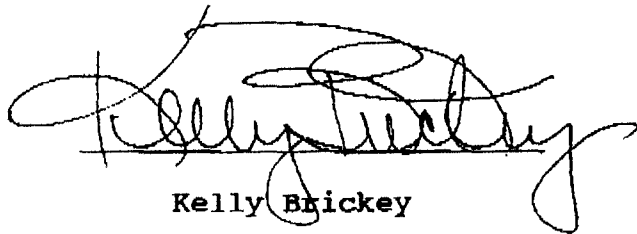
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May 16, 1996

CERTIFICATE OF SERVICE

I, Kelly Brickey, hereby certify that the foregoing "Motion for Extension of Time and Waiver of Page Limit", have been served May 16, 1996 to the Parties of Record.



Kelly Brickey

May 16, 1996